

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 11
)	
BHF CHICAGO HOUSING GROUP B LLC)	Case No. 20-12453
(ICARUS))	
)	Hon. Jack B. Schmetterer
Debtor.)	
)	

**NOTICE OF MOTION TO EXTEND NON-GOVERNMENTAL CLAIM BAR DATE
ONLY FOR TAX DEED PURCHASERS**

PLEASE TAKE NOTICE that on **September 29, 2020 at 11:00 a.m.** (prevailing Central Time) or as soon thereafter as counsel may be heard, we shall appear before the Honorable Jack B. Schmetterer, or before any other judge who may be sitting in his place and stead, and present the *Motion to Extend Non-Governmental Claim Bar Date Only for Tax Deed Purchasers* (the "Motion"), at which time and place you may appear if you so desire.

THIS MOTION WILL BE PRESENTED AND HEARD TELEPHONICALLY. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

PLEASE TAKE FURTHER NOTICE that, pursuant to General Order No. 20-03, any party that objects to the relief sought in the Motion must file a Notice of Objection no later than two (2) business days before the date of presentment. Please be advised that if a Notice of Objection is not timely filed, the Court may grant the Motion without a hearing before the date of presentment.

Dated: September 22, 2020

Respectfully submitted,

**BHF CHICAGO HOUSING GROUP B LLC
(ICARUS)**

By: /s/ Kevin H. Morse

One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Kevin H. Morse, an attorney, certify that I caused a copy of the *Motion to Extend Non-Governmental Bar Date Only for Tax Deed Purchasers* to be served on the parties listed on the attached service list via the Court's CM/ECF system, on September 22, 2020.

Dated: September 2, 2020

By: /s/ Kevin H. Morse

SERVICE LIST

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**MOTION TO EXTEND NON-GOVERNMENTAL CLAIM BAR DATE
ONLY FOR TAX DEED PURCHASERS**

BHF Chicago Housing Group B, LLC (Icarus), debtor and debtor in possession (“Debtor”), by and through its undersigned counsel, hereby submits this motion (the “Motion”) to extend the non-governmental claim bar date only for tax deed purchasers. In support of this Motion, the Debtor respectfully states as follows:

Jurisdiction

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1408.
3. The statutory basis for the relief requested herein are sections 105(a), 502(a), and 1111(a) of title 11 of the United States Code §§ 101–1532 (the “Bankruptcy Code”) and Rule 3001 of the Federal Rules of Bankruptcy Procedures (the “Bankruptcy Rules”).

Background Facts

4. On June 15, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code. Pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, the Debtor continues to manage its financial affairs as a debtor-in-possession. No trustee, examiner or committee has been appointed in this Chapter 11 Case.

5. The nature of the Debtor's business and the factual background relating to the Debtor's commencement of this Chapter 11 case is set forth in detail in the *Declaration of Andrew Belew in Support of Chapter 11 Case* (the "Declaration") filed on June 15, 2020 as ECF No. 4, and expressly incorporated herein by reference.

6. The Debtor's assets consist primarily of 45 separate buildings containing an aggregate of 545 affordable housing rental properties located in the South Side of Chicago ("Property"). The Property is encumbered by certain bond financing documents to secure repayment of approximately \$54,920,437.50 currently owed to UMB Bank, N.A., the duly-appointed and acting successor trustee under the Trust Indenture (the "Trustee").

7. On July 14, 2020, the Court entered the *Order and Notice Setting Bar Date for Filing Proofs of Claim*, which established October 1, 2020 as the deadline for all non-governmental parties to file a proof of claim in the bankruptcy case (the "Bar Date").

8. Prior to the Petition Date, as set forth in the Declaration, the prior ownership of the Debtor failed to real estate taxes for the tax years 2016-2018 (the "Taxes"). A number of the outstanding 2016 tax year Taxes were sold to third party tax deed purchasers (the "Tax Deed Purchasers"). None of the buildings of the Property have been sold through a tax sale; however, because of office closures caused through the on-going COVID-19 pandemic, locating the names and addresses of the tax purchasers has proven to be a significant hurdle.

9. The Debtor has now been able to locate the names and addresses for the Tax Deed Purchasers.

Relief Requested

10. The Debtor requests the Court enter an order, substantially in the form of the attached Order, extending the Bar Date for all Tax Deed Purchasers to file proofs of claim, if any,

to and including November 1, 2020 – or thirty (30) days beyond the initial bar date (the “Tax Purchaser Bar Date”).

Basis for Relief

11. The Debtor has now located the names and contact information for the Tax Deed Purchasers and seeks to ensure they each receive appropriate notice of the deadline to file proofs of claim through the additional days provided by Tax Purchaser Bar Date. Bankruptcy Rule 2002(a)(7) provides that all creditors shall receive “at least 21 days’ notice by mail of . . . the time fixed for filing proofs of claim.” Fed. R. Bankr. P. 2002(a)(7). Bankruptcy Rule 3003(c)(3) provides that “[t]he court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed.” Fed. R. Bankr. P. 3003(c)(3).

12. The Debtor submits that adequate cause exists to extend the Bar Date, solely for the Tax Purchasers, to and including November 1, 2020 to ensure the Tax Purchasers are provided appropriate notice of the deadline to file claims. The relief requested herein is in the best interest of the Debtor, all creditors, and the Tax Purchasers. The extended Bar Date to the Tax Purchaser Bar Date of November 1, 2020, will ensure that the Debtor has a full understanding of the entire claim universe, including those that may have claims against sale proceeds. The eventual distribution of sale proceeds would not be complete without knowledge of the extent of all outstanding tax claims. The additional 30-day deadline for Tax Deed Purchasers to file claims is appropriate and in the best interest of the estate.

Notice

13. The Order attached hereto as **Exhibit 1** shall be served on or before the date that is two (2) business days after entry of the Order, by first class mail on (a) the Tax Deed Purchasers; (b) Cook County Clerk’s Office; (c) the Cook County Treasurer; (d) all federal, state, and local

taxing authorities, and recording; and (e) all parties who have filed appearances or requested notices through the Court's CM/ECF system. The Debtor shall file a certificate of service with respect to service of the Order.

WHEREFORE, for the reasons set forth herein, the Debtor requests that the Court: (a) extend the bar date for Tax Deed Purchasers to file proofs of claim for 30-days to and including November 1, 2020; and (b) such other and further relief as the Court deems appropriate under the circumstances.

Dated: September 22, 2020

Respectfully submitted,

**BHF CHICAGO HOUSING GROUP B LLC
(ICARUS)**

By: /s/ Kevin H. Morse.
One of Its Attorneys

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